

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**CASE NO.: 2:13-cr-289 (08)  
JUDGE SMITH  
MAGISTRATE JUDGE KING**

**KYLE M. IRVIN,**

**Defendant.**

**ORDER**

On January 16, 2015, the Magistrate Judge issued a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1), recommending that the Court accept Defendant's guilty plea to Count One of the Second Superseding Indictment charging him with conspiracy to possess with intent to distribute heroin, in violation of 21 U.S.C. § 846.

Defendant, represented by counsel, waived his right to appear on the matter before a District Judge. The Magistrate Judge conducted the colloquy required by Rule 11 of the Federal Rules of Criminal Procedure. Defendant's plea was knowing, voluntary, free from coercion, and had a basis in fact.

Defendant was specifically informed of his right to contest the Report and Recommendation by filing any objections within 14 days of the issuance of the Report and Recommendation pursuant to 28 U.S.C. §636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure. Defendant did not file any objections.

Accordingly, the Court **ADOPTS** the Report and Recommendation and **ACCEPTS** Defendant's plea of guilty to Count One of the Second Superseding Indictment. Defendant is hereby

adjudged guilty of conspiracy to possess with intent to distribute heroin.

**IT IS SO ORDERED.**

*/s/ George C. Smith*

**GEORGE C. SMITH, JUDGE**  
**UNITED STATES DISTRICT COURT**